

REMARKS

Upon entry of the above amendment, claims 11, 13, 18-20, 37-38, 40-41, 44, 50-55, 57-58, and 60 will be pending in the present application. Claims 11, 13, 18, 20, 37, 38, 40 and 50-53 are currently amended. Claims 1-10, 12, 14-17, 21-36, 39, 42-43, 45-49, 56, 59, 61 and 62 have been canceled without prejudice or disclaimer.

Claims 1-10, 12, 14-17, 21-36, 39, 42-43, 45-49, 56, 59, 61 and 62 have been canceled and claims 11, 13, 18, 20, 37, 38, 40 and 50-53 are currently amended, for the sole reason of advancing prosecution. Applicants, by canceling or amending any claims herein, make no admission as to the validity of any rejection made by the Examiner against any of these claims. Applicants reserve the right to reassert any of the claims canceled herein or the original claim scope of any claim amended herein, in a continuing application.

Claims 11, 13, 18, 20, 37, 38, 40 and 50-53 have been amended to overcome the sole rejections of the claims. In particular, all relevant claims have been amended to recite "solidified drop" as opposed to "microsphere". Further, all relevant claims have been amended to recite the active compound "pantoprazole sodium sesquihydrate" as opposed to "acid-labile active compounds". The claim amendments are consistent with what the Examiner has indicated is enabled by the specification and will not necessitate a further search by the Examiner. No new matter has been added within the meaning of 35 USC § 132. In view of the amendments and the following remarks, an immediate allowance of the pending claims is respectfully requested.

I. At page 2 of the Official Action, claims 11, 13, 14, 18-20, 33-41, 44, 50-55, 57, 58, and 60 have been rejected under 35 USC § 112, first paragraph.

The Examiner asserts that the specification is enabling for pantoprazole sodium sesquihydrate but is not enabling for the group of active agents otherwise claimed. Applicants respectfully traverse this rejection. However, solely to remove the basis for this rejection, applicants have amended the claims to be commensurate in scope with the subject matter that the Examiner has conceded is enabled by the specification.

Applicants respectfully submit that, in view of the amendments to the claims herein, this rejection has been obviated. Specifically, the claims have been amended to recite the active compound pantoprazole sodium sesquihydrate which the Examiner has conceded is enabled.

Therefore, Applicants respectfully submit that the presently pending subject claims are fully compliant with 35 USC § 112, first paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection, and allow this application to proceed to issuance.

II. At page 2 of the Official Action, claims 11, 13, 14, 18-20, 33-41, 44, 50-55, 57, 58, and 60 have been further rejected under 35 USC § 112, first paragraph.

The Examiner asserts that the specification is enabling for "solidified drops" but is not enabling for the term "microspheres". Applicants respectfully traverse this

rejection. However, solely to remove the basis for this rejection, applicants have amended the claims to be commensurate in scope with the subject matter that the Examiner has conceded is enabled by the specification.

Applicants respectfully submit that, in view of the amendments to the claims herein, this rejection has been obviated. Specifically, the claims have been amended to recite the phrase "solidified drops" which the Examiner has conceded is enabled.

Therefore, Applicants respectfully submit that the presently pending claims are fully compliant with 35 USC § 112, first paragraph. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw this rejection, and allow this application to proceed to issuance.

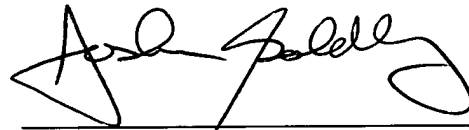
Conclusion

In view of the foregoing, applicants submit that the application is in condition for immediate allowance. Early notice to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney if it is believed that such contact will expedite the prosecution of the application.

In the event this paper is not timely filed, applicants petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 14-0112.

Respectfully submitted,

THE NATH LAW GROUP

A handwritten signature in black ink, appearing to read 'Gary M. Nath', written over a horizontal line.

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